

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 20 2006

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JASON SCOTT BARTON,

Defendant - Appellant.

No. 05-30345

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

D.C. No. CR-03-00171-JKS
District of Alaska, Anchorage

ORDER

RECEIVED

JAN 26 2006

CLERK, U.S. DISTRICT COURT
ANCHORAGE, ALASKA

Before: Peter L. Shaw, Appellate Commissioner

The appellant's motion "to hold the briefing schedule in abeyance pending production of the transcripts" is construed as a motion for a fifth extension of time in which to file the opening brief. So construed, the motion is denied without prejudice to the appellant filing a renewed motion that includes all of the recitations included at Ninth Circuit Rule 31-2.2(b)(1) through (6). Any renewed motion must also specify counsel's continued efforts to obtain the lower court documents from former counsel and/or the district court.

Any subsequent motion shall contain a recital of defendant's bail status.

See 9th Cir. R. 27-8. A motion for an extension of time to file a brief should include the position of opposing counsel. 9th Cir. R. 31-2.2(b)(6). In the event the court reporter is in default, the appellant is reminded that a notice of court

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reporter default must be submitted to this court. The notice must include all of the specific information listed at Ninth Circuit Rule 11-1.2.

The opening brief, a renewed motion for an extension of time to file the opening brief, or a notice of court reporter default is due January 30, 2006. The appellant is reminded that the opening brief was first due October 31, 2005. Any further delay in the prosecution of this case is strongly disfavored. If the opening brief is filed, the answering brief will be due March 1, 2006. The optional reply brief is due 14 days after service of the answering brief.

Peter L. Shan

General Order 6.3(e)

promo commissioner 1.16.06/tah